

Notice of Allowability

Application No.

09/819,818

Examiner

Jefferey F Harold

Applicant(s)

WADA, HIROTAKA

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 6/14/04.
2. ☒ The allowed claim(s) is/are 1,4-6,9 and 10.
3. ☒ The drawings filed on 14 June 2004 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Allowable Subject Matter

1. **Claims 1, 4-6, 9 and 10** are allowed.
2. The following is an examiner's statement of reasons for allowance:

Regarding **claim 1**, the prior of record discloses a communication device comprising: cut-off frequency switching means for switching a cut-off frequency for communication data at a communication line; and confirming means for confirming whether or not a communication partner has the cut-off frequency switching means, in advance of sending and receiving of communication data, wherein the cut-off frequency switching means is structured to carry out switching of a D.C. cut-off capacitor, however the prior art of record fails to disclose or fairly suggest wherein the confirming means is performed while the cut-off frequency means has switched the D.C. cut-off capacitor to be disengaged from the communication line, and wherein the cut-off frequency means maintains the D.C. cut-off capacitor to be disengaged when it is determined that the communication line is part of a multiplex communication system that includes a telephone network line and a data network line, irrespective as to whether or not the communication partner has the cut-off frequency switching means.

Regarding **claim 9**, the prior art of record discloses a method of communicating between a first modem and a second modem connected to each other via a communication line, the method comprising: at the first modem, opening a switch to allow communication over the communication line only at or above a first frequency; opening communication with second modem utilizing signals at or above the first

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frequency sent over the communication line; at the second modem, providing information over the communication line to the first modem indicative as to whether or not the second modem is coupled to a network that includes a multiplexed communication system, the information being provided using signals sent over the communication line at or above the first frequency; at the second modem, providing information over the communication line that has been provided by the second modem, however the prior art of record fails to disclose or fairly suggest a) closing the switch at the first modem to enable communications between the first and second modems over the communication line using signals at or above a second frequency lower than the first frequency, when the information indicates that the second modem is not coupled to a network that includes a multiplexed communication system, and b) keeping the switch opened at the first modem to only allow communications between the first and second modems over the communication line using signals at or above the first frequency, when the information indicates that the second modem is coupled to a network that includes a multiplexed communication system.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jefferey F Harold whose telephone number is 703-306-5836. The examiner can normally be reached on Monday - Friday 9 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh H Tran can be reached on 703-305-4040. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JFH
February 15, 2005



Jefferey F Harold
Examiner
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